VIENNA, AUSTRIA
14-25 JUNE 1993

WORLD CONFERENCE ON HUMAN RIGHTS
Vienna, Austria, 14-25 June 1993

PROVISIONAL AGENDA

Item 1: Opening of the Conference.

Item 2: Election of the President.

Item 3: Adoption of the rules of procedure.

Item 4: Election of other officers of the Conference.

Item 5: Appointment of the Credentials Committee.

Item 6: Establishment of committees and working groups.

Item 7: Adoption of the agenda.

Item 8: Commemoration of the International Year of the World's Indigenous People.

Item 9: General debate on the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and on the identification of obstacles to further progress in this area, and ways in which they can be overcome.

Item 10: Consideration of the relationship between development, democracy and the universal enjoyment of all human rights, keeping in view the interrelationship and indivisibility of economic, social, cultural, civil and political rights.

Item 11: Consideration of contemporary trends in and new challenges to the full realization of all human rights of women and men, including those of persons belonging to vulnerable groups.

Item 12: Recommendations for:

- Strengthening international cooperation in the field of human rights;
- Ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues;
- Enhancing the effectiveness of United Nations activities and mechanisms;
- Securing necessary financial and other resources for the United Nations activities in the area of human rights.

HUMAN RIGHTS

UNITED NATIONS

Item 13: Adoption of the final documents and report of the Conference.

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VIENNA, AUSTRIA
14-25 JUNE 1993

REGIONAL MEETING FOR AFRICA, TUNIS, TUNISIA, 2-6 NOVEMBER 1992

As part of the preparatory process for the World Conference on Human Rights in June, United Nations Member States were asked by the General Assembly to hold regional meetings to exchange views and highlight human rights concerns specific to the region. Non-governmental organizations, observers, intergovernmental and United Nations bodies also participated in the discussions. The following "Tunis Declaration" represents the collective views of African countries.

Tunis Declaration on Human Rights

The Ministers and representatives of the African States meeting at Tunis from 2 to 6 November 1992, in the context of preparations for the World Conference on Human Rights and pursuant to General Assembly resolution 46/116 of 17 December 1991,

Considering the importance of the forthcoming World Conference on Human Rights, which is taking place at a time characterized by major changes on the international scene,

Considering the priority that is increasingly being attached to the protection and promotion of human rights among the concerns of the international community,

Convinced that the dumping of toxic wastes in Africa constitutes a violation of the collective human rights of the populations of Africa,

Noting with satisfaction the advances in standard-setting in the field of human rights and the progress achieved in their implementation throughout the world,

Recognizing, however, the existence of difficulties, both endogenous and exogenous, which are delaying or impeding satisfactory implementation of human rights at the universal level,

Considering that one of the aims of the World Conference on Human Rights is to identify these difficulties and recommend the measures which must be taken nationally and internationally to overcome them,

Aware of the value of the discussions which will take place during the World Conference on Human Rights, and of the impact of its conclusions on the direction of future activities of the United Nations in this sphere,

Desiring to contribute to the success of the World Conference and to ensure that the international community shares African concerns regarding the promotion of human rights and development,

Adopt the present declaration, to be known as the Tunis Declaration, which reflects both their convictions and their expectations:

1. The African States reaffirm their commitment to the principles set forth in the Universal Declaration of Human Rights, the International Convenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights;

2. The universal nature of human rights is beyond question; their protection and promotion are the duty of all States, regardless of their political, economic or cultural systems;

3. The proper administration of justice and an independent judiciary are crucial to the full realization of human rights. The attainment of these objectives is, however, impossible without substantial investment in the area of the administration of justice. The African States and the international community are, therefore, called upon to allocate more resources to this area;

4. Responsibility for the implementation and promotion of human rights devolves primarily on Governments. The component institutions, organizations and structures of society also play an important role in safeguarding and disseminating these rights; they should therefore be strengthened and encouraged;

5. The observance and promotion of human rights are undeniably a global concern and an objective to the realization of which all States, without exception, are called upon to contribute. However, no ready-made model can be prescribed at the universal level since the historical and cultural realities of each nation and the traditions, standards and values of each people cannot be disregarded;

6. The principle of the indivisibility of human rights is sacrosanct. Civil and political rights cannot be dissociated from economic, social and cultural rights. None of these rights takes precedence over the others;

7. Political freedom when not accompanied by respect for economic, social and cultural rights is precarious. The right to development is inalienable. Human rights, development and international peace are interdependent;

8. Lasting progress towards the implementation of human rights implies, at the national level, effective development policies and, at the international level, more equitable economic rela-

HUMAN RIGHTS

UNITED NATIONS

tions, as well as a favourable economic environment;

9. Racism, particularly its new forms, extremism and fanaticism, whether of religious or other origin, pose a serious threat to the protection and promotion of universal human rights values. Governments, individuals, groups, institutions and non-governmental organizations are called upon to apply their efforts, take the necessary steps and cooperate in dealing with this threat;

10. Africa, which has chosen the path of democracy, economic reform and the promotion of human rights, in an unfavourable international economic environment, and which finds itself particularly exposed to internal tensions deriving from the failure to meet the basic needs of populations and from the rise of extremism, will neverthless remain committed to its choices and its responsibilities, and calls upon the international community to do likewise, in particular through an intensification of international solidarity, an adequate increase in development assistance and an appropriate settlement of the debt problem;

11. Africa, which remains committed to respect for individual human rights, also takes this opportunity to reaffirm the importance that it attaches to respect for the collective rights of peoples, particularly the right to determine their own future and to control their own resources. Accordingly, it condemns the persistence of apartheid in South Africa and the gross and systematic violations of human rights due to foreign occupation, particularly in Palestine and in the other occupied Arab territories, including Jerusalem, the armed conflicts in Somalia and the policy of ethnic cleansing in Bosnia and Herzegovina, and reaffirms the right of all peoples to self-determination and free choice of their political and economic systems and institutions, on the basis of respect for national sovereignty and non-interference in the internal affairs of States.

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REGIONAL MEETING FOR LATIN AMERICA AND THE CARIBBEAN, SAN JOSÉ, COSTA RICA, 18-22 JANUARY 1993

As part of the preparatory process for the World Conference on Human Rights in June, United Nations Member States were asked by the General Assembly to hold regional meetings to exchange views and highlight human rights concerns specific to the region. Non-governmental organizations, observers, intergovernmental and United Nations bodies also participated in the discussions. The following "San José Declaration" represents the position of the countries from Latin America and the Caribbean.

HUMAN RIGHTS

UNITED NATIONS

San José Declaration on Human Rights

The representatives of the Latin American and Caribbean countries, meeting in the city of San José, Costa Rica, from 18 to 22 January 1993, as part of the preparations for the World Conference on Human Rights, to be held in June 1993 in Vienna, Austria,

Considering that the promotion and protection of human rights is a matter of priority for the international community and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights,

Reaffirming that our countries represent a broad grouping of nations sharing common roots within a rich cultural heritage based on a combination of various peoples, religions and races, and that our roots unite us in the search for collective solutions to present problems through friendly dialogue, peaceful coexistence and respect for pluralism and the principles of national sovereignty, non-interference in the internal affairs of States and self-determination of peoples,

Recognizing that we live in an uncertain world situation full of challenges and opportunities for building an international order of true democracy, freedom and justice, based on strict observance of international law,

Emphasizing that the Latin American and Caribbean community regards peace, democracy, development and social welfare as essential for the full realization of human rights,

Considering that the World Conference on Human Rights is the appropriate forum for examining the relationship between development and the universal enjoyment of economic, social, cultural, civil and political rights, and recognizing the importance of creating the necessary conditions so that all may enjoy those rights, bearing in mind the Declaration adopted by the United Nations General Assembly in 1986,

Reaffirming that it is the obligation of all States to promote and guarantee the full observance of human rights through their own efforts and through international cooperation based on the principles of the Charter of the United Nations, as well as on international and regional human rights instruments,

Stressing the importance of strengthening broad, non-selective and non-discriminatory international cooperation, designed to strengthen the capacity of States to respect and promote human rights, based on dialogue, solidarity and joint action to promote the full enjoyment of all human rights and to avoid the use of pressures alien to the essential nature of such rights,

Bearing in mind that the guiding principles of the study and implementation of international human rights instruments in the United Nations system should be interdependence, universality, objectivity, impartiality, non-selectivity and the responsibility of States to fulfil their obligations,

Reaffirming the unwaivable commitment to the defence and promotion of representative democracy and human rights in the region, within respect for the principles of self-determination and non-intervention,

1. We reaffirm our commitment to promoting and guaranteeing the full observance of the human rights established in the Universal Declaration and in universal and regional human rights instruments, through our own efforts and through broad-based, non-selective and non-discriminatory international cooperation;

2. We reiterate that the World Conference on Human Rights should be based on the unconditional and indissoluble link between human rights, democracy and development;

3. We hold that the interdependence and indivisibility of civil, political, economic, social and cultural rights are the basis for consideration of the question of human rights, and therefore the exercise of some cannot

and must not be disallowed on the pretext that full enjoyment of the others has not yet been achieved;

4. We underline that respect for human rights and fundamental freedoms, the strengthening of development, democracy and pluralism in international relations with full respect for the sovereignty, territorial integrity and political independence of States, and the sovereign equality and self-determination of peoples are the pillars of our regional system;

5. We consider that the defence and strengthening of representative democracy constitute the best guarantee of the effective enjoyment of all human rights, and stress that the rupture of the democratic order threatens human rights in the country concerned and has negative repercussions on the countries of the region, particularly neighbouring countries;

6. We reaffirm our region's support for the Commission on Human Rights as the principal forum within the United Nations system for dealing with human rights questions, in accordance with its mandate;

7. We emphasize that the right to development is an inalienable human right, as established in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986. The international community must take measures as soon as possible for the realization of this right through appropriate mechanisms which take account of the right to development in a healthy and ecologically balanced environment as a universal right, in accordance with the Rio Declaration;

8. We consider that an evaluation of the United Nations human rights system is needed in order to strengthen its capacity and that of the international community to protect, promote and defend human rights, to provide an effective and timely response to problems arising in this field and to remove obstacles to the full observance of human rights;

9. We recognize that the work done by the United Nations in codifying international legal norms for the promotion and protection of human rights is one of the great achievements of the Organization, and we encourage Governments to adhere fully to the instruments contained therein;

10. We affirm that the obstacles to the observance of human rights which must be eliminated include: lack of democracy and freedom, international coercive measures that affect human rights, lack of education, poor socio-economic conditions resulting partly from the transfer of resources to the servicing of foreign debt and from the disparity in the terms of international trade, corruption, impunity, a shortage of resources for the institutionalization and administration of justice, various forms of intolerance, widespread violence, terrorism and drug trafficking at all stages, the illegal arms trade, the militarization of societies and the uncontrolled production and supply of arms, the failure to ratify international human rights treaties, the lack of genuinely independent systems of justice and the lack of respect for the resolutions adopted by organs of the United Nations system and the inter-American system pertaining to the enjoyment of these rights;

11. We hold that measures must be taken to prevent the rise in other parts of the world of new trends of systematic, flagrant human rights violations which have arisen in some countries, such as disturbing manifestations of intolerance, all forms of racial discrimination, xenophobia, neo-nazism and ethnic cleansing;

12. We note that when democratic Governments are making determined efforts to resolve their human rights problems, such problems should not be used for political ends or as a condition for extending assistance or socio-economic cooperation;

13. We draw attention to the urgent need to establish mechanisms and programmes for the defence and protection of children and adolescents, in particular, in relation to abandoned and street children, and for Governments to set up national commissions for the monitoring and follow-up of the Convention on the Rights of the Child, made up of governmental and non-governmental organizations; we trust, moreover, that the international concern expressed at the situation of the children in our region will translate into concrete forms of cooperation with the programmes and projects established at the national level;

14. We reaffirm that Governments must emphasize the implementation of actions to recognize the rights of women, to promote their participation in national life with equality of opportunity, to eradicate all forms of hidden or overt discrimination on grounds of sex, race or social status and, especially, to eliminate gender-based violence, as well as all forms of sexual exploitation. We recommend that the World Conference promote the relevant international instruments;

15. We welcome the celebration in 1993 of the International Year of the World's Indigenous People; we recognize the enormous contribution of indigenous peoples to the development and plurality of our societies and we reaffirm our commitment to their economic, social and cultural well-being and our obligation to respect their own initiatives and participation, recognizing the value and diversity of their cultures and their forms of social organization, without detriment to the unity of the State;

16. We attach the utmost importance to the observance of the human rights and fundamental freedoms of vulnerable groups and the elimination of all forms of discrimination against them, and to the de-

velopment of norms which protect those groups not yet covered by relevant instruments;

17. We attach the greatest importance to consideration of the topic of disability and human rights, and affirm that, in order to ensure compliance with existing norms of protection, there is a need to elaborate an international convention that will provide, on the basis of equality, for the full exercise and enjoyment of the fundamental rights of disabled persons, in order to incorporate them fully into the active life of the community, and to intensify efforts to prevent disability;

18. We consider that efforts must be intensified to improve the situation of migrant workers and their families according to the principle of non-discrimination, and we encourage Governments to adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

19. We express our commitment to promote and protect all of the human rights and fundamental freedoms of elderly persons, as established in national and international instruments, and to guarantee the full access of this vulnerable group to social security benefits and to the specific protection mechanisms recommended in the Vienna International Plan of Action on Ageing;

20. We recognize the need to respect the principle of non-discrimination and to guarantee the legal and social equality of people infected with human immunodeficiency virus (HIV) and people with acquired immunodeficiency syndrome (AIDS), as well as their right to receive the necessary treatment, and the need to take public health measures to prevent the proliferation of this illness;

21. We reiterate our concern about, and our condemnation of, the various forms of terrorism, including the activities of armed groups that sow terror in the population and of drug traffickers, who threaten the exercise of democracy and are serious obstacles to the full realization of all human rights and fundamental freedoms in our region;

22. We believe that the inter-American system of human rights plays a fundamental role in promoting, protecting and defending human rights in our region, and we encourage the efforts under way to strengthen this system and to increase its effectiveness. We stress the importance of coordination and cooperation between the United Nations and the inter-American system of human rights;

23. We recognize the importance of the work which, at the express request of the Government of El Salvador, the United Nations Observer Mission in El Salvador (ONUSAL) has carried out for the protection and promotion of human rights, which has yielded highly positive results in this area, thus contributing to the consolidation of peace in El Salvador;

24. We consider that a process of reflection is required on the consequences of interference on humanitarian grounds for the principles of the self-determination of peoples and respect for the sovereignty of States, on the one hand, and respect for human rights, on the other, which form the basis of the inter-American system;

25. We propose that the World Conference consider the possibility of asking the General Assembly to study the feasibility of establishing a United Nations Permanent Commissioner for Human Rights;

26. We recognize that regular meetings should be convened, bringing together leaders of the United Nations, the Organization of American States, other regional organizations, the World Bank, the International Monetary Fund, the Inter-American Development Bank and other important international finance and development institutions in order to assess the impact of their policies on human rights and to coordinate measures and strategies for the promotion and realization of human rights;

27. We stress that, as the free market system cannot in and of itself guarantee or promote the enjoyment of human rights, States should accept the obligation of establishing and maintaining adequate measures for protecting the vulnerable sectors of their population;

28. We attach great importance to international technical and financial cooperation, and to other types of advisory services that the United Nations can provide to Member States, for the improvement of the administration of justice, police and prison systems, the promotion and teaching of human rights and all efforts that might help strengthen the institutions which uphold the rule of law. In this regard, we consider that one of the most substantial contributions the World Conference could make to the cause of human rights would be the establishment of a United Nations programme of technical and financial assistance, under the auspices of the Centre for Human Rights, to cooperate, at the request of Governments, with national projects designed to strengthen the institutions that uphold the rule of law, as recommended in Commission on Human Rights resolution 1992/51;

29. We stress that the promotion and defence of human rights must be given priority within the United Nations, and that this must be reflected in the distribution of the Organization's budgetary resources;

30. We stress the importance of strengthening the Centre for Human Rights by providing it with the necessary resources so that it may expeditiously and effectively provide a wide range of human rights advisory services, taking into account the current historical, political and social situation of requesting Governments;

31. We affirm the importance of incorporating the topic of human rights issues into the education imparted by States, and recommend that its dissemination, both theoretical and practical, be established as a priority objective of educational policies.

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THE ATLANTA STATEMENT

As part of the preparatory process for the World Conference on Human Rights, United Nations Member States were asked by the General Assembly to hold regional meetings to exchange views and highlight human rights concerns specific to the region. Non-governmental organizations, observer Member States, and intergovernmental and UN bodies also participated in the discussions. The following "Atlanta Statement", while not an official regional document, was prepared by a group of eminent human rights leaders who met at Atlanta, Georgia, in January 1993.

In preparation for the World Conference on Human Rights, the Carter Center convened an international colloquium on 14-15 January 1993, at Atlanta, in collaboration with the United Nations and other international human rights organizations to formulate concrete proposals for strengthening the United Nations human rights system. The proposals will be submitted for adoption by the World Conference on Human Rights at Vienna in June 1993.

HUMAN RIGHTS

UNITED NATIONS

The colloquium was chaired by former President Jimmy Carter and was attended by Haiti President Jean-Bertrand Aristide, H.R.H. Crown Prince El Hassan Bin Talal of Jordan, United Nations Assistant Secretary-General for Human Rights Ibrahima Fall, representatives of international human rights organizations, academicians, and international human rights experts.

Participants noted with satisfaction UN achievements in developing an impressive body of human rights standards and a sophisticated machinery for carrying out its human rights mandate. However, there was general concern about UN failure to address adequately many situations of gross human rights violations, lack of adequate resources for UN human rights activities, weak coordination between various components of the UN human rights system, lack of political will by many governments to implement UN human rights standards, lack of universal ratification of human rights treaties, and absence of effective mechanisms for the equal implementation of economic, social, and cultural rights. The double standard approach of many governments was noted as an extremely serious form of undermining the human rights movement especially when practised by states claiming to be its vanguard.

Colloquium participants urged the UN Member States to adopt and promote the following recommendations at the World Conference on Human Rights:

1. The World Conference should reaffirm: the universality, indivisibility, and interdependence of economic, social, and cultural rights, and civil and political rights; the importance of the right to development; and the importance of a social and humanitarian international order in which these rights and freedoms and the pursuit of democracy can be fully realized. The Conference should urge all states to ratify all international treaties in the field of human rights, to withdraw limiting reservations, and to guarantee their treaty obligations relating to both economic, social, and cultural rights, and civil and political rights; there should be further development by the UN of procedures to monitor implementation of these rights; very careful consideration should be given in this regard to the adoption of an optional protocol to the Covenant on Economic, Social and Cultural Rights which would permit the examination of complaints alleging violations of the rights contained in the Covenant.

2. There is a need to accord human rights a higher priority in the work of the UN. Colloquium participants called for the establishment of the office of a Special Commissioner for Human Rights within the UN, empowered to act promptly to prevent or check human rights violations, to coordinate human rights aspects of all UN programmes, and to ensure that objective reporting on the human rights situation in all countries is placed before the responsible human rights bodies. At the same time, the existing human rights mechanisms, such as the system of country and thematic rapporteurs and working groups, should be preserved and strengthened.

3. There was general agreement that a quantum increase is needed urgently in the grossly inadequate financial and human resources available to the UN Centre for Human Rights, which currently amount to less than 1 per cent of the budget of the UN and 0.75 per cent of its staff.

4. The Commission on Human Rights should develop more flexible and innovative programmes to respond to the challenges it faces, including:

a. Developing its capacity for independent analysis, especially through the Subcommission for Prevention of Discrimination and Protection of Minorities, which should be supported and reinforced;

b. Strengthening its capacity to deal with gross violations of human rights,

including developing operational rules for independent fact-finding and on-site monitoring;

c. Developing an effective emergency response mechanism;

d. Supporting and strengthening the thematic mechanisms, including (i) providing for a regular annual meeting of all its mechanisms; (ii) allowing the mechanisms to examine country situations on their own initiative where violations within their mandates are occurring on a wide scale; (iii) providing the necessary resources for on-site visits, including joint visits, to be a more regular and frequent aspect of their work; (iv) having a more sustained and in-depth follow-up of their recommendations by the country concerned, the international community and the mechanism itself; (v) integrating their recommendations and work into the provision of advisory services; and (vi) significantly increasing the human and financial resources available to each of the mechanisms to carry out their work;

e. Responding more effectively to pervasive violations of women's rights, including gender specific abuses, and appointing a Special Rapporteur in this field;

f. Placing the promotion of indigenous peoples' rights on its agenda, ensuring the meaningful participation of indigenous representatives and responding more effectively to violations of indigenous peoples' rights.

5. There is a need to provide sufficient resources to the Centre for Human Rights to enable it to develop the information base for a fully integrated approach to UN action on individual countries and for the evolution of an annual world-wide report on human rights.

6. There is a need for an integrated UN programme of technical cooperation in the field of human rights. On the basis of clear criteria, such a programme should ensure the implementation and evaluation of long-term, country-oriented projects strengthening national human rights infrastructures.

7. In order to enhance the credibility, impartiality and effectiveness of the human rights system, a clear separation should be introduced between an independent body charged with investigating human rights abuses and a body that authorizes sanctions in response to gross violations of human rights. The establishment of an International Penal Court to try gross violations of human rights is an important first step in this direction.

8. Human rights should be an integrated element of all UN peacekeeping, conflict resolution, election monitoring, development programmes, and other related activities. The human rights programme, and especially its expert bodies, should be fully involved in the planning, implementation, and follow-up of all such activities. Consideration always should be given to appropriate follow-up measures by the UN human rights programme to ensure the promotion and protection of human rights after the termination of a UN operation. This should include a continued on-site UN human rights presence and/or other measures, such as the appointment of a country expert by the Commission on Human Rights.

9. Action by the Security Council on behalf of human rights in circumscribed situations should be exercised with caution on the basis of clear criteria to be developed, which should ensure the impartiality, legitimacy, transparency and accountability of its operations. In situations where collective action is contemplated against a state, regional arrangements should be given consideration in accordance with Chapter VIII of the Charter of the United Nations to arrive at acceptable solutions.

10. National, regional, and international non-governmental organizations (NGOs) should be recognized by governments, the UN, and regional intergovernmental institutions as full partners in the field of human rights. Cooperation with NGOs in all aspects of human rights programmes should be strengthened. NGOs should be guaranteed full access to international and regional human rights mechanisms and procedures and be encouraged to contribute their information, views, and expertise in the carrying out of human rights activities by international and regional bodies.

11. There is a need for a more simplified and uniform procedure for monitoring compliance with international human rights treaties. Participants recommended that all treaty-monitoring bodies should be merged. The unified body would be able to examine the overall situation in a country more consistently and should be empowered to receive petitions from groups and individuals. This body should have adequate human and financial resources.

12. The UN should promote the introduction of human rights education in its broadest sense, including at the formal and informal levels, in order to create a new human rights culture.

13. The organizations of the United Nations system should themselves be monitored and be required to report to the appropriate UN agency periodically in detail on their performance in relation to human rights, including implementation of Article VIII of the United Nations Charter.

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HUMAN RIGHTS: KNOW THEM, DEMAND THEM, DEFEND THEM

Selections from United Nations human rights instruments

- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. *(Universal Declaration of Human Rights, Art. 5)*

- Everyone has the right to seek and to enjoy in other countries asylum from persecution. *(Universal Declaration of Human Rights, Art. 14, 1)*

- The will of the people shall be the basis of the authority of government... *(Universal Declaration of Human Rights, Art. 21, 3)*

- Everyone has the right to rest and leisure... *(Universal Declaration of Human Rights, Art. 24)*

- Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. *(Universal Declaration of Human Rights, Art. 27, 1)*

- Everyone has duties to the community in which alone the free and full development of his personality is possible. *(Universal Declaration of Human Rights, Art. 29, 1)*

- All peoples may, for their own ends, freely dispose of their natural wealth and resources... *(International Covenant on Economic, Social and Cultural Rights, Art. 1, 2)*

- The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family...and to the continuous improvement of living conditions. *(International Covenant on Economic, Social and Cultural Rights, Art. 11, 1)*

- No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence... *(International Covenant on Civil and Political Rights, Art. 17, 1)*

- In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right...to enjoy their own culture, to profess and practise their own religion, or to use their own language. *(International Covenant on Civil and Political Rights, Art. 27)*

- No one within the jurisdiction of a State party to the present Optional Protocol shall be executed. Each State party shall take all necessary measures to abolish the death penalty... *(Second Optional Protocol to the International Covenant on Civil and Political Rights, Art. 1)*

- Discrimination against women...is fundamentally unjust and constitutes an offence against human dignity. *(Declaration on the Elimination of Discrimination against Women, Art. 1)*

- States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to

interfere with the child's education...or health. *(Convention on the Rights of the Child, Art. 32, 1)*

- States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. *(Convention on the Rights of the Child, Art. 34)*

- States Parties undertake to...ensure respect for the rules of international humanitarian law applicable to them in armed conflicts which are relavent to the child. *(Convention on the Rights of the Child, Art. 38, 1)*

- States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development. *(Declaration on the Right to Development, Art. 3, 3)*

- All States should...ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries. *(Declaration on the Right to Development, Art. 7)*

- States should encourage popular participation in all spheres... *(Declaration on the Right to Development, Art. 8, 2)*

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HUMAN RIGHTS IN THE WORKING WORLD

The world's largest democracy abolishes bonded labour from the statute book and pledges to free every bonded worker.

Countries on three continents accept international aid to eliminate child labour.

In countries of Africa and Central America, trade union and employers' organization leaders are released from prison.

In an Asian State, 10,000 prisoners are freed from unlawful forced labour.

These are just a few of the results achieved in recent years by the human rights operations of the International Labour Organisation (ILO).

Created in 1919 on the conviction that social justice is a vital component of durable peace, ILO has a long record in defining, protecting and promoting human rights universally in its field. For this it was awarded the Nobel Peace Prize in 1969.

HUMAN RIGHTS

UNITED NATIONS

Basic principles

ILO's Declaration of Philadelphia (1944) states that:

- Labour is not a commodity;
- Freedom of expression and association are essential for sustained progress;
- All human beings have the right to pursue their material and spiritual development in conditions of freedom, dignity, economic security and equal opportunity.

These principles, to which all 161 member States have committed themselves, have influenced the evolution of human rights action globally. Several of the freedoms contained in the Universal Declaration of Human Rights were included at the request of ILO, which is responsible within the UN system for their protection. More than 75 ILO Conventions are relevant to the achievement of the UN's International Covenant on Economic, Social and Cultural Rights.

International standards

ILO translates its concerns into texts of two types – International Labour Conventions and Recommendations adopted by the International Labour Conference (composed of government, employer and worker representatives). Conventions create binding obligations once ratified; even in the absence of ratification, they serve as a standard of reference for national law and practice.

Important human rights conventions include:

- *Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)*

Establishes the right of all workers and employers to form and join organizations of their own choosing without prior authorization, and lays down a series of guarantees for the free functioning of organizations without interference by the public authorities. (Ratifications by February 1993 totalled 102, out of 161 member States.)

- *Right to Organize and Collective Bargaining Convention, 1949 (No. 98)*

Provides for protection against anti-union discrimination, for protection of workers' and employers' organizations against acts of interference by each other, and for measures to promote collective bargaining (117 ratifications).

- *Forced Labour Convention, 1930 (No. 29)*

Requires the suppression of forced or compulsory labour in all its forms. Certain exceptions are permitted, such as military service, convict labour properly supervised, and emergencies such as wars, fires, and earthquakes (130 ratifications).

- *Abolition of Forced Labour Convention, 1957 (No. 105)*

Prohibits the use of any form of forced or compulsory labour as a means of political coercion or education, punishment for the expression of political or ideological views, workforce mobilization, labour discipline, punishment for participation in strikes, or discrimination (111 ratifications).

- *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*

Calls for a national policy to eliminate discrimination in access to employment, training and working conditions, on grounds of race, colour, sex, religion, political opinion, national extraction or social origin (112 ratifications).

- *Minimum Age Convention, 1973 (No. 138)*

Aims at the abolition of child labour, stipulating that the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling (42 ratifications).

- *Equal Remuneration Convention, 1951 (No. 100)*

Calls for equal pay for men and women for work of equal value (114 ratifications).

- *Employment Policy Convention, 1964 (No. 122)*

INTERNATIONAL LABOUR ORGANISATION

Calls for pursuit of a national policy aimed at promoting full, productive and freely chosen employment (77 ratifications).

➤ *Indigenous and Tribal Peoples Convention, 1989 (No. 169)*

Provides for basic protection of these groups to maintain their own ways of life without being forced into assimilation (4 ratifications).

Supervision

Sophisticated supervisory procedures help ensure that ratified Conventions are applied in practice.

Reports from Governments are scrutinized by a committee of independent legal experts, and problems brought to light are then examined by a special tripartite committee of the annual Conference, which recommends action needed to overcome them. Other procedures enable Governments, delegates and employers' and workers' organizations to lodge complaints for examination in some cases by a Commission of Inquiry. Special Governing Body machinery exists to deal with freedom of association complaints.

The essential aim is to help countries meet the obligations they have undertaken. The same principle applies to ILO's world-wide programme of technical cooperation in such fields as industrial relations, employment, working conditions and social security, through which countries may attain the conditions in which the ratification and application of standards can realistically be undertaken.

Indigenous and tribal peoples

ILO Conventions Nos. 107 and 169 on indigenous and tribal peoples are the only two international legal instruments adopted specifically on the subject by the international community. They reflect the ILO's concern, since 1921, for promoting the human rights of these peoples and enhancing their position within national societies.

Adopted in 1989, Convention No. 169 sets goals towards which governments should work, lays down guidelines for a participatory approach to decision-making and provides specific protections. Ratifications of Convention No. 169 will gradually replace ratifications of Convention No. 107.

The basic principle of the instrument is respect for the cultures and ways of life of these peoples, and of their right to continued existence and to development along the lines they themselves wish. It orients their relationship with the State, providing protection against discrimination, protection of their cultural and religious heritage and a requirement for impact studies in relation to development projects.

In the operational sphere, ILO actively promotes legislative reform and legal education and gives technical aid to a variety of economic activities focusing on the cultural specificity of indigenous and tribal peoples. The Organisation has played an active role in the creation of the Regional Fund for Indigenous Development, set up by a group of Latin American countries in 1992.

ILO is joint coordinator, with the United Nations, of the current International Year of the World's Indigenous People.

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HUMAN RIGHTS

UNITED NATIONS

THE WORLD'S INDIGENOUS PEOPLE

High on the agenda of the upcoming World Conference on Human Rights (Vienna, 14-25 June) is the item on indigenous people. The human rights of indigenous people, especially their right to development as they choose, are increasingly the focus of international concern. The World Bank, whose policies and programmes directly affect many indigenous populations, has moved to make concerns regarding these populations central to its policy formulation and execution.

The World Conference is being held in the middle of 1993, which is the International Year of the World's Indigenous People. These peoples represent a cultural diversity, a link with the past, and an attachment to the earth which are threatened by an increasingly homogeneous and urban global society. Yet development planners have tended not to take indigenous people adequately into account. Recently, however, indigenous people have made their voices better heard

and development planners have responded more to their needs and to their contribution to society.

More than 300 million indigenous and tribal people live in over 70 countries in almost every climate zone from the remote Arctic regions and the deserts of northern and southern Africa to the Pacific Islands and the rainforests of Asia and South America. There is a great diversity in language, culture, dress and habits among indigenous people. But they share common traits, such as a strong identity with their ancestral homelands.

In its 1987 report, *Our Common Future*, the World Commission on Environment and Development said indigenous communities "are the repositories of vast accumulations of traditional knowledge and experience that links humanity with its ancient origins. Their disappearance [would be] a loss for the larger society, which could learn a great deal from their traditional skills in sustainably managing very complex ecological systems. It is a terrible irony that as formal development reaches more deeply into rainforests, deserts, and other isolated environments, it tends to destroy the only cultures that have proved able to thrive in these environments."

For most indigenous people, land is not viewed as a commodity which can be bought or sold in impersonal markets, but rather as a substance endowed with sacred meanings which define their existence and identity. Similarly, the trees, plants, animals and fish which inhabit the land are not "natural resources", but highly personal beings which form part of their social and spiritual universe. This close attachment to the land and a strong sense of ethnic identity are the defining characteristics of indigenous people.

On 10 December 1992, the United Nations General Assembly launched 1993 as the International Year of the World's Indigenous People. The impetus for designating a special year for indigenous people came from indigenous organizations, UN human rights and social development agencies and several Governments. The purpose was to highlight the importance of indigenous people to peace and security, human rights, economic development and the environment.

The theme of the international year is "Indigenous Peoples–A New Partnership." Among other things, the year's activities attempt to further international cooperation between states and intergovernmental bodies to solve problems faced by indigenous people, increase their participation in development projects that affect them, and raise public awareness about indigenous people. Activities during the international year focus on human rights, development and the environment, education and culture, health and self-government. The World Bank participated in the UN technical meeting to plan the international year and has its own activities to celebrate the year.

World Bank policy

The World Bank was the first multilateral agency to issue a special policy for the treatment of indigenous people in internationally funded development projects. The original policy dates back to when the Bank became involved in several projects that affected the lands of indigenous tribes in the Brazilian Amazon. Safeguards embedded in the World Bank policy included recognizing, demarcating and protecting indigenous lands, and providing culturally appropriate social services, especially to protect and maintain indigenous people's health.

The policy says clearly: "The Bank will not assist development projects

that knowingly involve encroachment on traditional territories being used or occupied by tribal people, unless adequate safeguards are provided."

Based on experience from the previous decade, the World Bank issued a revised policy in September 1991. The policy extended the definition of indigenous people to reflect the much broader range of social and legal definitions and situations in Bank member countries. The protective measures of the original policy were retained. But the revised version strengthened the policy by stressing the need to promote the informed participation of indigenous people and their sharing in the social and economic benefits of development projects. One way of ensuring this is through the preparation and financing of special Indigenous Development Plans.

Assistance projects

There are several projects in the Bank's lending programme that contain such plans or encourage participation by indigenous people. They include a rubber plantation project in India with a component that will help 3,000 tribal people improve their economic status by planting rubber in currently unproductive land. A rural development project in four of Mexico's poorest states contains a programme of 44 credit funds managed by indigenous people. The funds support initiatives such as training in preparing small-scale projects, accounting procedures, coffee-growing, artisan projects, establishing fishing cooperatives, and other cottage industries. The credit programme covers hundreds of indigenous communities.

Other projects include natural resources management programmes in Colombia, Egypt and Mali, and a rainforest conservation project in Brazil that will set apart land for tribal people. The Bank also has been carrying out other innovative work, such as a study of poverty among tribal people in Latin America and an assessment of the health and nutritional problems of tribes in India. Within the Bank, a number of training courses and special events have been held to increase the staff's sensitivity to the institution's policies and projects relating to indigenous people.

In January 1993, the President of the World Bank created a Vice Presidency on Environmentally Sustainable Development, and the Environment Department established a special Social Policy and Resettlement Division, to enable the institution to consolidate and improve its work on behalf of indigenous people and other social groups.

The International Year of the World's Indigenous People aims at creating a partnership among international agencies (such as the World Bank), governments and indigenous organizations to improve the conditions of some of the world's most vulnerable people. The Bank joined this partnership to further promote the welfare of indigenous people–and also to learn from these traditional keepers of the wisdom of sustainable development.

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